

**RESOLUTION NO. 20100128-010**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the damages; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Rafik S. Momin

Project: Williamson Creek Tributary 2, Spring Meadow-Lark Creek-  
Williamson Creek

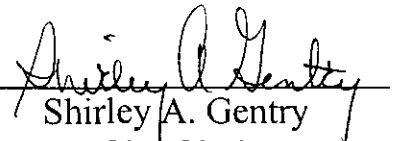
Public Purpose: the drainage easement, the boundaries of which are described in the attached Exhibit "A," is necessary to construct, operate, maintain, replace, upgrade and repair the existing drainage channel and related facilities to correct present, and prevent future, erosion and flooding.

Location: 5001 Nuckols Crossing Road, Austin, Texas 78744

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** January 28, 2010

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



STATE OF TEXAS  
COUNTY OF TRAVIS

(Drainage Easement)  
WILLIAMSON CREEK TRIBUTARY 2  
C.O.A. WPDRD, Proj. No. 5848.044

### LEGAL DESCRIPTION FOR 4590.01 DE

Field notes description for a parcel of land containing 0.222-acres of land, equivalent to 9,692 square feet of land, out of and a part of Lot 93, Block K, Second Amended Plat Of Williamson Creek Subdivision Section Two, a subdivision in the City of Austin, Travis County, Texas according to the map or plat thereof recorded in Volume 86, Pages 198B-199C, Plat Records of Travis County, Texas and being the same. Lot 93, Block K, Second Amended Plat Of Williamson Creek Subdivision Section Two which was conveyed *from* Village Bank & Trust *to* Rafik S. Momin by that certain Warranty Deed With Vendor's Lien dated December 19, 2003 and recorded in Document Number 2003294634, Official Public Records of Travis County, Texas; said parcel of land being more particularly described by metes and bounds, as follows, and as shown on the attached sketch:

**BEGINNING FOR REFERENCE** at a 1/2 inch iron rod found on the south boundary line of said Lot 93, Block K, monumenting the common rear corner of Lot 89 and Lot 90, Block K, Second Amended Plat Of Williamson Creek Subdivision Section Two; *thence*, traversing within the limits of said Lot 93, Block K, North 26° 16' 50" East, a distance of 97.44 feet to a calculated point on a northerly easement line of an existing 60.00 foot wide drainage easement as denoted in said Volume 86, Pages 198B-199C, for the most easterly corner and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.9999555) values of N= 10,044,298.75, E= 3,117,037.81;

THENCE, with the northerly easement line of said existing drainage easement as denoted in said Volume 86, Pages 198B-199C, the following four (4) bearings and distances:

- 1) **South 64° 17' 24" West**, a distance of **81.60 feet** to a calculated point for a corner of this easement;
- 2) **South 55° 02' 24" West**, a distance of **77.49 feet** to a calculated point for the most southerly corner of this easement, from which said calculated corner, a 1/2 inch iron rod found at the common rear corner of said Lot 90 and Lot 91, Block K, bears South 37°31' 54" East, a distance of 60.00 feet (record = 60.00 feet);
- 3) **North 86° 56' 22" West**, a distance of **238.00 feet** to a calculated point for a corner of this easement;

Exhibit "A"  
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- 4) **South 71° 48' 46" West**, a distance of **37.94 feet** to a calculated point at its intersection with an existing curving 25.00 foot wide building line fronting Teri Road as denoted in said Lot 93, Block K, for the southwest corner of this easement;

THENCE, with the northerly easement line of this proposed easement, the following six (6) bearings and distances:

- 1) Along said existing curving 25.00 foot wide building line fronting Teri Road, with said circular curve to the left, having a central angle of **01° 42' 07"**, a radius distance of 655.00 feet (record = 655.00 feet), a tangent distance of 9.73 feet, and a chord that bears North 56° 58' 12" West, a chord distance of 19.45 feet, an arc length of **19.45 feet** to a calculated point, for a corner of this easement;
- 2) **North 72° 12' 54" East**, a distance of **31.88 feet** to a calculated point, at an angle point of this easement;
- 3) **North 80° 24' 50" East**, a distance of **103.76 feet** to a calculated point, at an angle point of this easement;
- 4) **South 88° 57' 38" East**, a distance of **170.16 feet** to a calculated point, at an angle point of this easement;
- 5) **North 63° 04' 51" East**, a distance of **64.13 feet** to a calculated point, at an angle point of this easement;
- 6) **North 77° 05' 32" East**, a distance of **68.81 feet** to the **"POINT OF BEGINNING"**, and containing 0.222-acre of land, more or less.

**Basis of Bearing:**

Bearings mentioned on this easement are based on the City of Austin G.P.S. controlling monuments being J-16-3001 Grid Coordinates N=10,044,302.05, E=3,116,148.39, and utilizing J-16-4001 Grid Coordinates N=10,044,334.35, E=3,115,579.61 (see City of Austin monument data sheet). Distances shown hereon are surface.

Exhibit "A"  
Page 2 of 5



**CERTIFICATION:**

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

**As Prepared by  
Landmark Surveying, LP**

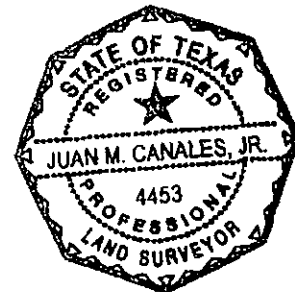
*Juan M. Canales, Jr.*  
**Juan M. Canales, Jr.**

*4-14-09*  
Date

Registered Professional Land Surveyor No. 4453  
Senior Project Manager  
Firm Registration No. 100727-00

**REFERENCES**

MAPSCO 2009, Page 645-X  
AUSTIN GRID NO. J-16  
TCAD PARCEL ID NO.03-2003-0501  
4590.01 DE (Rafik S. Momin)\_rev1.doc



FIELD NOTES REVIEWED

By: *[Signature]* Date *4/24/09*

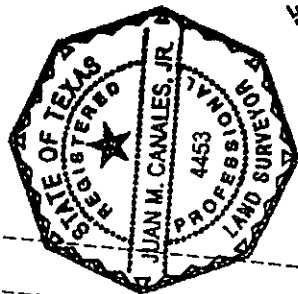
Engineering Support Section  
Department of Public Works  
and Transportation

Exhibit "A"  
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**SURVEY OF A PORTION OF LOT 93, BLOCK K, SECOND AMENDED PLAT OF  
WILLIAMSON CREEK SUBDIVISION SECTION TWO,  
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS  
PAGE 4 OF 5**



SCALE 1"=60'



**PARCEL 4590.01  
DRAINAGE EASEMENT  
0.222-ACRE  
(9,692-SF.)**

RAFIK S. MOMIN  
DOC. NO. 2003294634  
O.P.R.T.C.T.

LOT 93  
BLOCK K  
SECOND AMENDED PLAT OF WILLIAMSON CREEK  
SUBDIVISION SECTION TWO  
BK. 86, PGS. 198B-199C P.R.T.C.T.

P.O.B.  
N/10.044.298.75  
E/3.117.037.81  
(GRID)

NUCKOLS CROSSING  
(65' R.O.W.)

Exhibit "A"  
Page 4 of 5

**SKETCH TO  
ACCOMPANY  
FIELD NOTES**

Client: PBS&J  
Date: March 24, 2009  
Office: Stephen Lawrence  
Crew: J. Lee  
F.B.: 1160/43-44  
Path: t:\posj\williamson crk trib  
Job No.: 372-27-08



1301 S. CAPITAL OF TEXAS HWY.  
BUILDING B, SUITE 315  
AUSTIN, TEXAS 78746  
PH: (512)328-7411 FAX: (512)328-7413

stassney\landmark drawings\eamements\wm crk trib 2-grid-base.dwg

**SURVEY OF A PORTION OF LOT 93, BLOCK K, SECOND AMENDED PLAT OF  
WILLIAMSON CREEK SUBDIVISION SECTION TWO,  
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

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**LEGEND**

- 1/2" Iron Rod Found  
(Unless Otherwise Noted)
- ▲ Nail Found (As Noted)
- △ Calculated Point  
"Not Established on Ground"
- ( ) Record Information
- R.O.W. Right-of-Way
- P.O.B. Point of Beginning
- P.O.R. Point of Reference
- Bk. Book
- Pg. Page
- Vol. Volume
- D.E. Drainage Easement
- P.U.E. Public Utility Easement
- P.R.T.C.T. Plat Records  
Travis County, Texas
- D.R.T.C.T. Deed Records  
Travis County, Texas
- R.P.R.T.C.T. Real Property Records  
Travis County, Texas
- O.P.R.T.C.T. Official Public Records  
Travis County, Texas

**Utility and Improvement Note:**

Utilities and improvements exist on this tract, but are not shown hereon.

LINE	BEARING	DISTANCE
L1	S71°48'46"W	37.94'
L2	N72°12'54"E	31.88'
L3	N63°04'51"E	64.13'
L4	N77°05'32"E	68.81'
L5	S64°17'24"W	81.60'
L6	S55°02'24"W	77.49'

**CURVE TABLE**

CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
C1	N55°35'52"W (N52°55'48"W)	61.84' (61.94')	13°09'09" (13°10'23")	61.98' (62.08')	270.00' (270.00')
C2	N54°22'21"W (N51°42'17"W)	117.55' (117.73')	10°42'21" (10°43'21")	117.72' (117.90')	630.00' (630.00')
C3	N15°57'21"W (N13°17'17"W)	27.64' (27.68')	87°24'23" (87°33'21")	30.51' (30.56')	20.00' (20.00')
C4	N74°24'56"E (N79°04'25"E)	20.22' (19.84')	84°44'00" (82°49'09")	22.18' (22.45')	15.00' (15.00')
C5	N39°05'15"E (N41°49'11"E)	49.29' (50.00')	08°11'32" (08°18'40")	49.33' (50.04')	345.00' (345.00')
C6	N47°06'36"E (N50°07'50"E)	49.99' (50.00')	08°18'35" (08°18'40")	50.04' (50.04')	345.00' (345.00')
C7	N55°55'23"E (N58°51'29"E)	54.97' (55.00')	09°08'20" (09°08'38")	55.03' (55.06')	345.00' (345.00')
C8	N65°03'43"E (N68°00'07"E)	54.97' (55.00')	09°08'20" (09°08'38")	55.03' (55.06')	345.00' (345.00')
C9	N56°58'12"W	19.45'	01°42'07"	19.45'	655.00'

The property described hereon is contained within Flood Zone AE, Zone X (Shaded), and Zone X; as scaled on F.I.R.M. Map Number 48453C0605H, dated September 26, 2008 as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

**Restrictive Covenant and Easement Note:**

- Electric easement recorded in Volume 8870, Page 424 of the Deed Records of Travis County, Texas DOES NOT APPLY to the subject parcel.
- Easements and building setbacks as described in restrictions recorded in Volume 9635, Page 423, as amended in Volume 10511, Page 977 and Volume 11829, Page 26 of the Real Property Records of Travis County, Texas DO NOT APPLY to the subject parcel.

All easements of which I have knowledge and those recorded easements furnished by Alamo Title Insurance according to Commitment Number AT0008000092, are shown or noted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I hereby certify that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

**BEARING BASIS NOTE:**

STATE PLANE COORDINATE SYSTEM (GRID) NAD'83  
TEXAS CENTRAL ZONE 4203  
COMBINED SCALE FACTOR = 0.9999555  
NAVD'88 VERTICAL DATUM

Horizontal and vertical coordinates for C.O.A. Monument No. J-16-3001 and Monument No. J-16-4001 as published by the C.O.A., were used as the controlling monuments for this survey.

**AS SURVEYED BY  
LANDMARK SURVEYING, LP  
FIRM REGISTRATION NO. 100727-00**

*Juan M. Canales, Jr. 4-19-09*  
**JUAN M. CANALES, JR.**

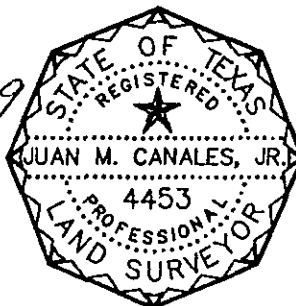
**Registered Professional Land Surveyor No. 4453  
DATE: FEBRUARY 20, 2008 (REVISED: APRIL 8, 2009)**

**THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE  
ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR**

Client: PBS&J  
Date: March 24, 2009  
Office: Stephen Lawrence  
Crew: J. Lee  
F.B.: 1160/43-44  
Path: t:\pbsj\williamson crk trib • stassney\landmark drawings\ easements\wm crk trib 2-grid-base.dwg  
Job No.: 372-27-08

Exhibit "A"

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**SKETCH TO  
ACCOMPANY  
FIELD NOTES**

**Landmark**  
**SURVEYING, LP**  
1301 S. CAPITAL OF TEXAS HWY.  
BUILDING B, SUITE 315  
AUSTIN, TEXAS 78748  
PH: (512)328-7411 FAX: (512)328-7413